

D/F

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

X

ALPHONSE PECOU,

Plaintiff,

-against-

**ORDER**  
**06 CV 3714(SJF)(LB)**

FORENSIC COMMITTEE PERSONNEL,  
PERSONNEL OFFICE OF HEALTH INFORMATION,  
DR. ALICIA P. FALCON, M.D., DR. KATHLEEN  
IVERSON, M.D., and COMMISSIONER OF MENTAL  
HEALTH,

Defendants.

X

FEUERSTEIN, J.

On May 24, 2006, pro se plaintiff Alphonse Pecou ("Plaintiff") initiated this action against defendants Forensic Committee Personnel, Personnel Office of Health Information, Dr. Alicia P. Falcon, M.D., Dr. Kathleen Iverson, M.D., and Commissioner of Mental Health, ("Defendants"), alleging violations of his Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendment rights pursuant to the United States Constitution. On May 8, 2009, Defendants moved to dismiss Plaintiff's Amended Complaint pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure. Pursuant to a Referral dated May 11, 2009, a Report and Recommendation (the "Report") of United States Magistrate Lois Bloom, dated May 13, 2010, recommended that Defendants' motion to dismiss be granted. No objections have been filed to the Report. For the reasons stated herein, the Report is accepted in its entirety.

## I. Discussion

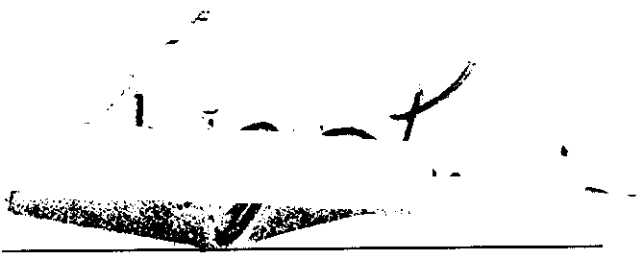
Rule 72 of the Federal Rules of Civil Procedure permits magistrate judges to conduct proceedings on dispositive pretrial matters without the consent of the parties. Fed. R. Civ. P. 72(b). Any portion of a report and recommendation on dispositive matters, to which a timely objection has been made, is reviewed de novo. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The court, however, is not required to review the factual findings or legal conclusions of the magistrate judge as to which no proper objections are interposed. See Thomas v. Arn, 474 U.S. 140, 150, 106 S.Ct. 466, 88 L.Ed.2d 435 (1985). To accept the report and recommendation of a magistrate judge to which no timely objection has been made, the district judge need only be satisfied that there is no clear error on the face of the record. See Fed. R. Civ. P. 72(b); Baptichon v. Nevada State Bank, 304 F. Supp. 2d 451, 453 (E.D.N.Y. 2004), affd, 125 F. App'x. 374 (2d Cir. 2005); Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985). Whether or not proper objections have been filed, the district judge may, after review, accept, reject, or modify any of the magistrate judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

No objections have been filed to Magistrate Judge Bloom's Report. Upon review, the Court is satisfied that the Report is not facially erroneous. Accordingly, the Court accepts and adopts Magistrate Judge Bloom's Report as an Order of the Court.

II. Conclusion

For the foregoing reasons, the Report is accepted in its entirety, and Defendants' motion to dismiss is granted. The Clerk of the Court is directed to close this case.

**SO ORDERED.**



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SANDRA J. FEUERSTEIN  
United States District Judge

Dated: July 9, 2010  
Central Islip, New York